

## A New Opportunity for Old Lighthouses

**O**n October 24, 2000, President Clinton signed H.R.4613 and S.2343 into law (P.L. 106-355), thereby amending the National Historic Preservation Act (NHPA) to enable the federal government to more readily convey “historic light stations” to local nonprofit and educational organizations, local governments, and state agencies. Congressman Mark E. Souder (R-IN) had introduced the House bill, styled the National Historic Lighthouse Preservation Act, in June of that year. The House bill mirrored the bill introduced in the Senate earlier during the same session of Congress by Senators Frank Murkowski (R-AK) and Carl Levin (D-MI).

In his remarks to his colleagues on the House floor, Souder explained the concerns that had led to the bill. “It has not been fair,” he said, “that some community organizations have worked to preserve and restore these lighthouses only in the conveyance process to have to go through a bidding process” when they find themselves competing against other private entities for a surplus lighthouse.

The bidding process to which Souder referred was the result of the federal government’s previous policies regarding these properties, referred to as “light stations” in Souder’s amendments. Until now, the government has essentially treated retired light stations like any other piece of surplus property, transferring them to the General Services Administration (GSA) for eventual disposal through its routine surplus procedures. Granted, the NHPA imposed consultation requirements on the government during such transactions. These requirements, however, were procedural rather than substantive measures. They provided little relief to preservation organizations seeking to protect old light stations whose days of service to the nation were over. Even the provisions of the Federal Property and Administrative Services Act of 1949, allowing the federal government to convey historic properties for use as historic monuments, were of little use

to such organizations due to its restrictions of such conveyances to states, counties, and towns.

The newest amendments to the NHPA alter the current state of affairs. They direct the Department of the Interior and the GSA to, within a year, develop regulations that will enable so-called “eligible entities” (defined to include nonprofit corporations, educational agencies, community development organizations, and local governments, as well as federal or state agencies) to apply to receive historic light stations free of charge. Only if no such eligible entities exist would the historic light station be offered for sale to the general public. Regardless of whether the government donates the light station to an eligible entity or sells it to a private party, if the new owner fails to maintain the light station to adequate standards of preservation, then the ownership of the light station will revert to the federal government.

These amendments also call for, in general terms, the creation of a national historic light station program, through which the Department of the Interior will collect and disseminate historic light station information, foster educational programs, sponsor or conduct related research, and maintain a listing of these historic light stations.

The NHPA’s new provisions involve the National Park Service (NPS) and the Department of the Interior in a number of ways. As mentioned, the clock is already ticking for the development of regulations to implement the new law. Consequently, only time will tell to what degree the new law will impact NPS operations. In recognition of the existence of a number of lighthouses within the boundaries of NPS units, the amendments prohibit the conveyance of such units without the Department’s approval and allow the Department to impose whatever restrictions are necessary to protect the existing resources of the unit. Prior to the enactment of the National Historic Lighthouse Preservation Act, the NPS had transferred 42 lighthouses for park and recreational uses. These experiences, coupled with the NPS maritime heritage program, may likely play into the Department’s development of procedures to implement the new law. The full legislation can be found at <<http://thomas.loc.gov>>.

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*Jim Noles is an attorney with Balch & Bingham, Birmingham, Alabama. His areas of practice include historic and cultural resource issues.*